

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

RICHARD C. BEALS and CHERYL J.
BEALS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE and UNITED STATES
ATTORNEY'S OFFICE FOR THE
DISTRICT OF UTAH,

Defendants.

Case No. 2:10-cv-787-CW

**ORDER DENYING MOTION TO
STAY THE CASE**

Before the Court is Plaintiff Richard Beals' Motion to Stay this case. (Docs. 10, 19.) Because Mr. Beals' is proceeding pro se, the Court construes his pleadings liberally. *See Ledbetter v. City of Topeka, Kansas*, 318 F.3d 1183, 1187 (10th Cir. 2003).

"When applying for a stay, a party must show 'a clear case of hardship or inequity' if 'even a fair possibility' exists that the stay would damage another party.'" *Ben Ezra, Weinstein, & Co. v. Am. Online Inc.*, 206 F.3d 980, 987 (10th Cir. 2000) (quoting *Span-Eng Assocs. v. Weidner*, 771 F.2d 464, 468 (10th Cir. 1985)). Mr. Beals has not met his burden in bringing this motion; he has not shown he will suffer any hardship or inequity if these proceedings are not stayed pending Judge Jenkins' ruling

regarding Mr. Beals' motion for appointment of counsel in a separate proceeding.

As Defendants argued in their memorandum (Doc. 11, at 3), Judge Jenkins has no authority to appoint counsel in this civil matter, a proceeding over which Judge Jenkins is not presiding. Furthermore, the Court has already issued an order denying Mr. Beals' motion for appointment of counsel in this case (Doc. 20.) because it found that appointment of counsel is not warranted at this time.

Because Mr. Beals has not demonstrated that he will suffer any hardship or inequity if this proceeding is not stayed, **IT IS HEREBY ORDERED** that his motion to stay these proceedings (Docs. 10, 19) is **DENIED**.

DATED this 6th day of January, 2011.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Samuel Alba', is written above a horizontal line.

SAMUEL ALBA
United States Magistrate Judge